



**Kevin P. Mulry**  
Partner

Direct Dial: 516.227.0620  
Direct Fax: 516.336.2262  
kmulry@farrellfritz.com

400 RXR Plaza  
Uniondale, NY 11556  
www.farrellfritz.com

Our File No.  
38110-100

October 26, 2021

By ECF and E-Mail  
Honorable Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

**Re: *Kleeberg, et al. v. Eber, et al.***  
**Docket No. 16-cv-9517 (LAK)**

Dear Judge Kaplan:

We represent Defendants in the above-captioned action. Enclosed is the Declaration of Wendy Eber in accordance with the Court's Order dated October 14, 2021.

We thank the Court for its consideration of this matter.

Respectfully submitted,

*s/ Kevin P. Mulry*

Kevin P. Mulry

cc: All counsel (By ECF and E-mail)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DANIEL KLEEGERG, LISA STEIN,  
and AUDREY HAYS,

Plaintiffs,

vs.

Civil Action No. 16-CV-9517(LAK)(KDP)

LESTER EBER, ALEXBAY, LLC f/k/a  
LESTER EBER, LLC., ELLIOT W. GUMAER,  
JR. and WENDY EBER,

Defendants,

and

EBER BROS. & CO., INC., EBER  
BROS. WINE AND LIQUOR  
CORP., EBER BROS. WINE  
& LIQUOR METRO, INC., EBER  
CONNECTICUT, LLC, EBER-RHODE  
ISLAND, LLC, EBER BROS. ACQUISITION  
CORP, EBER-METRO, LLC, and SLOCUM &  
SONS OF MAINE, INC.,

Nominal Defendants.

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**DECLARATION OF WENDY EBER**

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I, **WENDY EBER**, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the following statements are true and correct:

1. I make this Declaration individually and on behalf of the other Defendants and Nominal Defendants pursuant to the Order of this Court, dated October 14, 2021.

2. Neither Defendants, nor any of the Nominal Defendants, have sold, transferred, granted a security interest or lien of any kind in or on, or caused any other disposition of any shares of stock or membership interest of Defendant Alexbay, LLC or any Nominal Defendant within one year prior to the filing of the aforementioned Order.

Dated: Uniondale, New York  
October 26, 2021

  
Wendy Eber